

Licensing Act 2003



## Licensing Sub-Committee

### Notification of determination

Hearing under Sections 17 and 18 of the Licensing Act 2003, and the Licensing Act 2003 (Hearings) Regulations 2005 in respect of an application made to Oxford City Council for the grant of a new Premises Licence

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Date of hearing:	<b>30<sup>th</sup> April 2024</b>
Place:	<b>Town Hall, Oxford</b>
Case No.	<b>24/00826/PREM</b>
Applicant	<b>CT &amp; AT Ltd</b>
Premises:	<b>CT &amp; AT Ltd</b>
Premises address:	<b>16 North Parade Avenue, Oxford, OX2 6LX</b>
Licensing Sub-Committee Councillors:	<b>Cllr Clarkson (Chair), Cllr Miles, Cllr Smowton</b>
Legal Advisor:	<b>Tazafar Asghar</b>
Licensing Officer:	<b>Richard Masters</b>
Clerk:	<b>Katie Thorp</b>

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The Sub-Committee heard representations from the following:

**Licensing Authority:** Richard Masters (Senior Licensing Compliance Officer)

Richard Masters (**RM**) presented the Licensing Authority's report, stating that the application had attracted representations from two Interested Parties.

The two representations highlighted concerns in relation to how the application may fail to promote the licensing objectives of the prevention of public nuisance and public safety revolving around the proposed delivery service and dispersal of patrons.

**RM** stated that any reference to correspondence between the applicant's representative and Thames Valley Police (**TVP**) in earlier versions of the report should be disregarded as **TVP** did not submit a representation and ultimately did not object to the application.

**RM** stated that the premises does not fall within the Oxford City Council special saturation

policy area.

**Applicant:** Gary Tse (Applicant), Chris Lucan & Nick Semper (Representatives)

Nick Semper (**NS**) stated that the wine bar will be presented as a wine library, where local residents can enjoy wine and socialize, along with learning more about the wine and their region's histories.

The premises will plan tasting evenings over monthly events that will take place in the shop and the tasting room. The winemakers and vineyards will be the focus of the events. The idea is to educate customers so that they can make better buying choices and learn more about wine and their own individual tastes.

**NS** confirmed the applicant Gary Tse has run a successful business in Summertown for over 30 years as the licensee of Xian Chinese Restaurant. Mr Tse is opening the new business with Professor Steve Davis who currently runs his own wine business, with one of his venues being New College.

**NS** stated that merits of this application were that it is a quality application, conditioned with specific, appropriate and proportionate control measures, therefore minimizing any potential that any of the licensing objectives would be undermined.

**NS** stated that in relation to the applicant and the other premises they own, there is no history of disorder, noise complaints or any other cause for concern evidenced.

**NS** reminded the members that none of the responsible authorities made representations in relation to the application.

In relation to the noise and litter concerns raised by the interested parties, **NS** stated that the premises will be closed by 23:00 hours. The applicant is not one who would be attracted to a noisy premises, along with no regulated entertainment being applied for as part of the application. The applicant would make sure customers are not allowed to stand out on the street drinking. **NS** also reminded the members that any such potential issues are addressed in the proposed conditions within the application.

Tazafar Asghar, Legal Advisor (**TA**) asked about the events that were mentioned and how many will they be holding each month.

Gary Tse (**GT**) stated that it would be a maximum of one event per month. They will be based around wine producers carrying out talks about their wines and tasting sessions.

**Cllr Miles** asked about the tasting room specifically as it is not shown on the proposed plan, and would it be a room as such.

**GT** stated on the plan, the middle section is where they propose the tasting room / area to be, as the venue is very small. It will be one table in the middle and the capacity will be 6-8 maximum. The event would be private and educational. It isn't a separate room.

**Cllr Miles** also asked about deliveries and how many deliveries are they anticipating occurring at the premises.

**NS** stated that the bottles of wine aren't cheap and so the dispatching of the wine wouldn't be large scale, and if it were they would relocate.

**Cllr Miles** asked whether the applicant is looking at using specific delivery partnership companies to distribute the products, whether by motorbike, bicycle etc.

**NS** confirmed on the scale they plan, they wouldn't take on a van or a driver. They would go into a partnership with a bespoke courier to ensure that all the conditions within the operating schedule are carried out at point of delivery.

**Interested Parties:** Mr W Tudhope

Mr W Tudhope (**WT**) states his first objection is in relation to public nuisance namely noise, increase in delivery vehicles and lack of any rubbish disposal area for the premises. A lot of people that live on North Parade, children play within the pedestrianized area every day. By granting another licence in the area would mean more noise, more litter and more unruly behaviour.

**WT** stated that the premises closes at 23:00 hours, which means customers won't be leaving until midnight. Customers leaving wine bars at midnight are noisy, and what that means for residents is they don't get to sleep until midnight and are being woken by the refuse lorries at 05:40 hours, and that is not enough sleep.

**WT** states the second objection is in relation to delivery vehicles and the road is narrow and there is not enough capacity for more delivery vehicles.

**WT** goes on to talk about the lack of rubbish collection for the premises, which does not have an alley way or a back garden to store wheelie bins. The only location would be on the street outside.

**WT** states his biggest concern is in relation to public safety and that there is no fire escape on the premises. The plan shows there is a fire escape at the back of the building but that is not correct, there is just a wall there. **WT** confirmed the second concern in relation to public safety is patrons drinking on the public highway. The worry is delivery vans turning around outside the venue, as the only place to be able to do so, and that vehicles and patrons drinking outside don't mix well.

**Cllr Miles** asked where the previous art galleries stored their bins historically.

**WT** stated they didn't produce much waste and so kept their bins inside and used bags. In relation to the wine bar, it would be a volume issue.

**NS** states that they have an amendment to make to the plan as a mistake was made by one of his team and confirm there is no fire escape at the rear of the premises. **CS** confirmed that the premises has planning permission granted already and doesn't require a fire escape at the back of the property.

**Cllr Clarkson** asked of the applicant following the interested parties comments, would the premises have delivery vans with several cases of wine on them for the purposes of serving at the premises as opposed to off sales. **Cllr Clarkson** also asked how the applicant would manage patrons wanting to drink outside.

**NS** stated the applicant would like to offer a condition whereby there would be no deliveries to the premises between 11:00 hours and 17:00 hours. The applicant also offered a condition whereby customers would not be allowed to loiter on a public highway so as to cause an

obstruction of the highway. **NS** reiterated it is not the applicant's intention to allow his customers to drink outside.

**NS** discussed further regarding the off sales element of the application, using an example of a customer of the premises having a couple of glasses of wine and wanting to buy a bottle to take home and drink at their leisure. **NS** offered a further condition regarding dispatching from the premises, the onward route of the courier would commence from the depot rather than from the premises.

**NS** referred to **WT** statement, saying that delivering alcohol and traffic aren't licensable activities, however the applicant is willing to work to appease the concerns, and also confirms the premises has an agreement in place with the premises next door in relation to sharing bins.

**NS** reminded the members in summary that there is no history or evidence of noise nuisance, pollution, safety, anti-social behaviour, drugs or any crime and disorder related incidents within the applicant's current premises.

### **Decision and Reasons of the Sub-Committee**

1. The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy, in particular policies LH1 to LH3, LH6, LH8, LA3, LA4, PP1 and PP11.
2. The Sub-Committee considered the concerns from the interested parties regarding public nuisance and public safety in particular noise nuisance generated through deliveries to the premises and patrons outside the premises.
3. The Sub-Committee considered the additional conditions offered by the applicant to appease the concerns of the interested parties.

The Sub-Committee determined to:

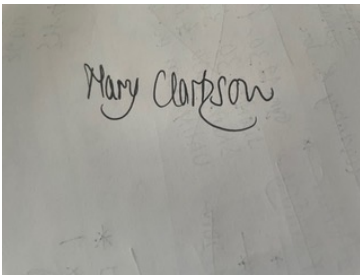
GRANT the application to include the conditions proposed by the Applicant at section 18 of the Applicant's Application Form ; and,

MODIFY the conditions of the operating schedule by:

- Amending a condition that was initially offered by the applicant to appease the interested party's concerns around deliveries to also include:
  - The premises licence holder shall ensure that there are no deliveries to the premises between 23:00 hours and 07:00 hours, and 08:00 hours to 09:30 hours and 15:00 hours to 16:30 hours.
- Amending a condition that was offered by the applicant in relation to patrons drinking on the public highway.
  - The premises licence holder shall ensure that a notice shall be displayed which states patrons should not loiter or consume alcohol on the highway.
- Adding a condition in relation to the dispatching of off sales from the premises.
  - The premises licence holder shall ensure that packed orders shall be dispatched by e-bike or pedal bike, or by those means to the depot for onward conveyance.
- Adding a condition in relation to staff training.
  - The premises licence holder shall ensure that all records of training shall be kept and be available to all staff.
- Amend the condition proposed in the operating schedule in relation to CCTV to

include:

- CCTV is checked on a regular basis that it is working and a log is kept to confirm when this has been done.

A photograph of a handwritten signature in black ink on a light-colored, slightly textured surface. The signature reads "Mary Clarkson" in a cursive script.

**Signed: Councillor Mary Clarkson  
Chair of Licensing Sub-committee**

**Notes:**

- A. The applicant, and any responsible authority or interested party that has made representations upon the application has a right of appeal to the Magistrates' Court against this decision. If you wish to appeal you must do so within 21 days of being notified of the decision.

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